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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEPHANIE HART

Plaintiff,

v.

CINDA GIFFORD, et. al.

Defendants.

Case No. 3:07-CV-00402-LRH-PAL

ORDER

**EXTENDING TIME TO
RESPOND TO COMPLAINT**

1 **I. RECITALS**

2 WHEREAS, on September 7, 2007, Plaintiff Stephanie Hart ("Plaintiff") filed the
3 Complaint (Dkt. #1) in the above-captioned case.

4 WHEREAS, in a Joint Stipulation and [Proposed] Order Re Interlocutory Appeal
5 and Discovery Schedule filed July 6, 2007 in the related case of *Elhifny v. Gifford, et. al.*,
6 Case No. 3:04-CV-00583-LRH-PAL, the Parties to this action stipulated that, without
7 waiving any Rule 12 defenses or the ability to assert the same, Defendants would answer
8 the Complaint filed in this case within 30 days of it being served.

9 WHEREAS, Defendants accepted service of the Complaint and Summons in this
10 case pursuant to Waiver(s) of Service filed on September 18, 2007 (Dkts. #7-14), thereby
11 making September 18, 2007 the date the Complaint is deemed to have been served and
12 October 18, 2007 as the date by which Defendants agreed to answer the Complaint.

13 WHEREAS, Defendants' lead counsel is out of the country and will not return until
14 on or around October 30, 2007, thereby making it impractical to answer the Complaint by
15 October 18, 2007.

16 **IT IS HEREBY STIPULATED THAT**

17 (1) To facilitate the filing of a proper and thorough response to the Complaint, the
18 Parties, by and through their respective undersigned counsel, hereby stipulate and agree
19 that Defendants shall have until Wednesday, November 14, 2007 to file and serve an
20 answer to the Complaint.

21 (2) By filing an answer to the Complaint, Defendants do not waive any defenses
22 that may be asserted under Rule 12 of the Federal Rules of Civil Procedure or the ability
23 to assert the same, all of which may be asserted following resolution of the interlocutory
24 appeal pending before the Ninth Circuit in the *Elhifny* case.

1 IT IS SO STIPULATED.

2 Dated: October 12, 2007

O'MELVENY & MYERS LLP

3 By: /s/ Nora M. Puckett

4 Nora M. Puckett

5 Attorneys for Plaintiff JANA ELHIFNY

6 Dated: October 12, 2007

MAUPIN, COX & LeGOY

7 By: /s/ C. Robert Cox

8 C. Robert Cox

9 Attorneys for Defendants, CINDA
10 GIFFORD, *et al.*

11 IT IS SO ORDERED:

12 

13 LARRY R. HICKS

14 UNITED STATES DISTRICT JUDGE

15 DATED: October 17, 2007